

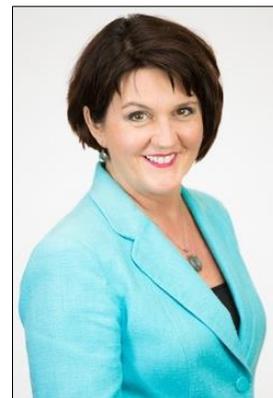
MY LIFE MY CHOICE

A newsletter produced for the dominant purpose of educating and raising awareness of the need for voluntary assisted dying law reform in Queensland — No.23 April 2021

A matter of conscience

All MPs must have a truly free vote

Leaders of both major parties in the Queensland Parliament have promised their MPs a conscience vote on a voluntary assisted dying Bill. As the 10 May deadline nears for a draft Bill to be delivered to the government by the Queensland Law Reform Commission, former LNP MP for Currumbin, JANN STUCKEY, relates her experiences with conscience votes.



The forthcoming debate on voluntary assisted dying (VAD) legislation should be automatically decreed a conscience vote by all parties due to its subject matter.

The recent blurring of lines of what constitutes a conscience vote or free vote prompted me to ask the Queensland Parliamentary library to look into the history of the conscience vote in this state.

Their records show there have only been eight times when legislation has been determined as a conscience vote by political parties, the first taking place in 1990, merely 30 years ago. (See page 2)

The Liberal Party had a long history of allowing conscience votes for matters of moral significance.

In the 1990 debate to decriminalise homosexuality then Liberal leader Denver Beanland stated: "The Liberal Party has long maintained the tradition that, on moral issues, individuals should maintain the right to hold, express and vote in accordance with their individual views."

During my time as Member for Currumbin from 2004 to 2016 there were five Bills where the ALP Government allowed its MPs a conscience vote.

The LNP only granted its MPs a conscience vote on three of those pieces of legislation.

WHAT IT MEANS:

MPs representing a political party are expected to vote in line with its policies.

A conscience or free vote can be allowed by any party leader on a specific Bill or motion in parliament on moral or ethical issues. Their MPs are then free to vote in line with their moral, political, religious, or social beliefs rather than party policy.

The Labor Party's policy supports VAD while the LNP's policy is against it. But in a conscience vote Labor MPs will be free to vote against a VAD Bill and LNP MPs should feel free to support it if they wish.

Twice I voted against Bills because I was not given a conscience vote.

Three times I supported them. I took the responsibility seriously and felt answerable primarily to my electorate which is why I always consulted them.

Other considerations were my personal experiences, opinions of branch members and family, professional or industry groups and studies, my religion and lastly, my political party's views.

Since formation of the LNP in 2008 I witnessed a growing interference from party HQ and other MPs in regard to voting patterns along party lines and for

conscience debates. Prior to debate in 2018 on the *Termination of Pregnancy Bill*, MPs were threatened that they could be challenged at their pre-selections for their stance if it was against party policies – risking their candidacy at the 2020 election.

These threats were reported in *The Courier-Mail*. The three MPs who crossed the floor – myself, Steve Minnikin (Chatsworth), and Tim Nicholls (Clayfield) – were publicly chastised at a regional policy forum for members and there were significant attempts to stack branches against sitting MPs.

Prior to the debate I was stunned that then LNP leader Deb Frecklington chose to ask the party room if they wanted a conscience vote.

I said: "I shall defend to the death my right to a conscience vote on matters of life, death and socially moral matters. To do otherwise makes a mockery of a true 'conscience' vote."

Of further concern was when MPs were asked to raise their hand if anyone intended to vote in favour of the Bill thereby exposing oneself to intense lobbying to sway your decision.

CONTINUED PAGE 2:

Tassie pro-VAD MP unopposed at poll

The MP behind Tasmania's VAD law has been returned unopposed for the 1 May election.

Mike Gaffney MLC was the only nomination for the north-west seat of Mersey when nominations closed on 31 March, little more than a week after his VAD law was passed.

Eight candidates are running in the two other upper house seats being contested at the 2021 poll.

Listening was vital: Page 2

IT'S

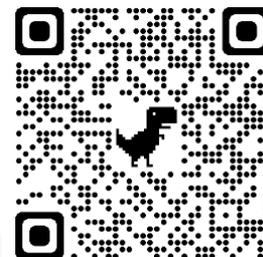
MY LIFE

IT'S

MY CHOICE

AND I WANT

MY LAW



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Listening to voters was key

The independent MP whose VAD Bill was passed by the Tasmanian Parliament says community consultations were a key factor in its success.

Upper house member Mike Gaffney attributed the approval of his Bill to the groundswell of public support he received.

Mr Gaffney presented his Bill to parliament six months ago but

spent months prior to that hosting public forums to discuss a draft and hearing personal stories of Tasmanians.

"I think people have been quite pleased at how smoothly [the process has] gone," he said.

"Because in lots of other countries, there's protests and all that sort of stuff. We didn't get any of that, really."

"I'd like to think right from the word go, when I was doing all the forums, it was very much information-giving, respecting other people's opinions and getting that out there."

Following the 23 March approval of Mr Gaffney's [End-of-Life Choices \(Voluntary Assisted Dying\) Bill 2020](#) a Commission of Voluntary Assisted Dying will oversee an implementation period of 18



Mike Gaffney MLC

months before the new law takes effect during which health sector staff will undergo training and accreditation.

DEBATE STARTS IN SA – PAGE 3

Former MP calls for a genuinely free vote

FROM FRONT PAGE:

During debate LNP MP Mark McCardle moved amendments addressing the most contentious issues such as late-term terminations.

The majority of LNP MPs voted against these, which was appalling considering they voted to include them a year later at their state convention. Their hypocrisy is breath taking!

Herein lies the problem.

Because the LNP, and I imagine the ALP, are expected to follow party lines their decisions are often inconsistent with the majority view held by their electorate – their bias derides the process.

Residents have every right to expect their MP to consult and survey them on matters such as these.

However, the LNP shy away from "difficult" social decisions and attempt to kick them into the long grass whenever possible so as not to anger the religious right wing.

They will adopt tactics to hide behind and vote No when the Bill reaches Parliament for debate.

An example of this is to introduce their own interpretation of a Bill on the same topic then vote against Labor's Bill in support of their own.

The LNP's 2010 *Family Surrogacy Bill* is one such case.

The trend in more recent times is to automatically oppose a Bill from



Voters signal their support for VAD laws at a public forum hosted by Jann Stuckey as MP for Currumbin in 2019

Labor labelling them "lefty, greenie" Bills. That's not good for democracy.

The Currumbin electorate spoke loudly about the issue of VAD in 2018 in my direct-mail survey to the whole electorate.

'MPs are not elected on religious grounds.'

Of the 3,200 responses 81% believed the legislation should be brought into the parliament, and sooner rather than later.

I cannot recall any issue in my 16 years of politics, except for widening the M1, that garnered so much support.

MPs are not elected on religious grounds. Not a single state MP was elected as a religious candidate.

Political party or independent? Yes. But religious party? No.

The majority of Queensland electorates are in favour of VAD, yet some MPs will ignore the views of their constituents in favour of their own personal or party beliefs. Add to this the pressure from the LNP hierarchy along religious lines and it's easy to see why a conscience vote may not be reflective of the greater will of Queenslanders.

The current Member for Currumbin won't say whether she supports the concept of VAD, hiding behind the excuse she needs to see the legislation and consult her electorate.

She showed a lack of interest in the topic by omitting it from her 2020 Biggest Community Survey which asked about 40 questions, but not a mention of VAD. Let's hope she takes on board my survey results.

The majority of LNP MPs have adopted a gutless, silent approach as have some Labor MPs. Then you have MPs like Burleigh's Michael Hart who said he supported VAD during the

Conscience votes in the Parliament of Queensland:

1990: *Criminal Code and Another Act Amendment Bill* – to decriminalise homosexuality

1999: *Property Law Amendment Bill 1999* – legal rights of de facto couples.

2003: *Research Involving Human Embryos and Prohibition of Human Cloning Bill*

2007: *Research Involving Human Embryos & Prohibition of Human Cloning Amendment Bill*

2010: *The Surrogacy Bill, Family (Surrogacy) Bill*

2011: *Civil Partnerships Bill*

2015: *Relationships (Civil Partnerships) and Other Acts Amendment Bill*

2018: *Termination of Pregnancy Bill*

Source: Queensland Parliamentary Library

election campaign but now says "no comment".

As the time for debate on VAD draws near it's important that you write to your local MP and ask to meet with them, and ask them to be honest with you.

Surely they can answer the simple question whether they support in principle the concept of VAD.

Ask your MP where they stand: Anyone wanting to quiz their local state MP about their stand on VAD can find their electorate office contact details on the [State Parliament website](#). If you don't know which seat you live in, check your address on the [Electoral Commission of Queensland website](#).

SA MPs debate VAD Bill

Latest attempt is 17th in 25 years

The South Australian Parliament has considered 17 voluntary assisted dying Bills in the past quarter-century. The last attempt to pass a VAD Bill was in 2016 when a tied vote was broken by the then Speaker using a casting vote to defeat it.

A Private Member's Bill to establish a voluntary assisted dying scheme in South Australia has proceeded to the committee stage in the upper house.

The *Voluntary Assisted Dying Bill* – the 17th such Bill in 25 years to be considered by SA MPs – was presented last December by upper house MP, Kyam Maher, who is the Labor Party's leader in the Legislative Council.

Debate resumed last month and MPs in both houses of parliament and from all parties voiced their in-principle backing for voluntary assisted dying. But some cautioned that their final vote would need to wait until they saw any potential amendments made by MPs in either house.

During debate in the [House of Assembly](#), a Liberal Party cabinet minister, David Pisoni the Member for Unley, said he doubted if he would choose to access VAD for himself.



David Pisoni

"But it is not my role to stop others from making that decision," Mr Pisoni added.

"It is an extraordinary situation here in South Australia that you can actually

choose your funeral plan, you can choose where you are buried, but you cannot choose your time of leaving this earth when you have been diagnosed with a painful terminal illness."

During debate in the [Legislative Council](#), Greens MLC, Tammy Franks, said the VAD Bill gave the SA Parliament the chance "to ensure that people are able to make their own choices with dignity in their final days".



Tammy Franks

"Stories of family, friends or loved ones who are slowly fading away in a hospital bed or a nursing home with no other option but to just wait are absolutely heartbreaking and far too common," she said.

"I believe each and every one of us would have our own stories to share.

"Voluntary assisted dying forces us to think about something unpleasant and complex that may make us uncomfortable, but our communities have shown their overwhelming support for this issue and I believe it is time we listened."



Health Minister in favour but wants to get the details right

Steven Wade, the Minister for Health in the Liberal Party government led by Premier Steven Marshall has indicated his support in principle for the Maher VAD Bill.



Stephen Wade

However, like many other MPs, he said he would wait until he had seen any planned amendments in coming debates on the Bill before making his final decision.

When the Bill was debated in March he said he had never supported any of the VAD Bills presented to the SA Parliament since he was appointed to the Legislative Council in 2006.

"While I will be supporting the second reading of this Bill I will consider my position on the third reading after the completion of the committee stage.

"I do not come to the Bill with a fundamental opposition to [VAD].

"As a liberal, I accept the right of every individual to personal autonomy, including the right to make end-of-life decisions.

"While my Christian faith teaches me that [VAD] is not an option for me, in a pluralist society other people will hold differing views and should have the freedom to live their lives according to their values and their moral codes, as long as their actions do not cause harm to others.

"The changed context — the wave of voluntary assisted dying legislation [in other states] in a relatively short period — also gives our nation an unprecedented opportunity to establish nationally consistent legislation in a very sensitive area of health law," Mr Wade said.

Coronial figures feature in debate

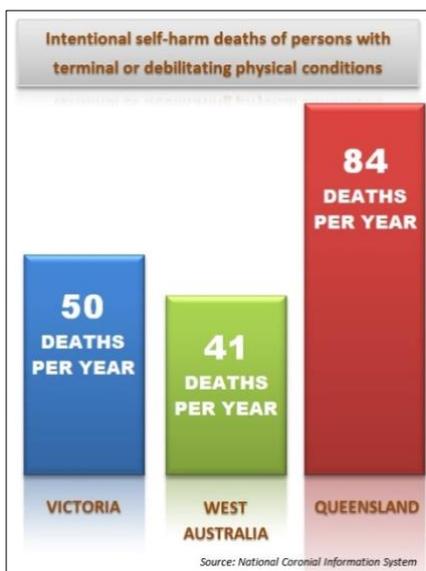
SA Labor MP, Irene Pnevmatikos, said two of the most compelling submissions given to the cross-party committee whose inquiry led to the Maher VAD Bill were by South Australia Police and the state's Coroner's Office.

"Both wrote in support of VAD legislation," she said. "In January 2019 alone, 10 people took their own life as a result of a terminal illness.

"Of these deaths, many were in undignified circumstances, violent and often committed in isolation, which on occasion results in the death not becoming known to others for some time.

"SA Police acknowledges that VAD legislation will not provide for every circumstance, but to many individuals it would provide a dignified end to life. Around 10% of suicides attended by first responders are of people who have chosen to take their own life because they are facing a terminal illness.

"This Bill goes beyond giving a compassionate option to the person with a terminal illness but also affects first responders and families and friends, who are all connected to the person.



Coronial statistics corresponding to those cited by Ms Pnevmatikos were given to VAD inquiries in Victoria, Western Australia, and Queensland

"Contrary to some of the arguments that we have already heard, and heard before, this bill is not a bill to hasten death but a bill to alleviate the suffering of people who are in pain and whose death is imminent; they are already dying."

VAD AND THE NSW CWA AGM

Voluntary assisted dying will be on the agenda when the NSW branch of the Country Women's Association

holds its annual general meeting next month. A call to back VAD is in the [list of motions](#) for delegates

to consider at the organisation's state conference due be held at Bega from 3 to 6 May.

Motion put forward by the CWA Bowral Branch, Wollondilly Group:

"That the policy of CWA of NSW shall be to support the implementation of voluntary assisted dying legislation in NSW and the ACT".

Crucial vote by Spanish MPs

New Mexico's new law

Spanish MPs have passed a VAD law that will [reportedly](#) take effect in June.

Prime Minister Pedro Sánchez said the new law meant Spain was now "more humane, fairer and freer".

MPs in the lower house of the Spanish Parliament passed the law with 202 votes in favour, 141 voting against the Bill, and two abstentions.

Opponents, right-wing political groups and churches have said they would attempt to overturn the new law.

The far-right Vox Party has said it could mount a legal challenge to the law's validity in Spain's Constitutional Court.

The Governor of New Mexico, Michelle Lujan Grisham, has formally [signed into law](#) the [Elizabeth Whitefield End-of-Life Options Act](#).

The new VAD law was named by its main sponsor, Representative Debbie Armstrong, in honour of Judge Elizabeth Whitefield, a New Mexico judge who died in 2018 after an 11-year fight with cancer and a VAD advocate and champion of patients' rights.

When signing the new law Gov. Grisham said: "New Mexicans deserve every single dignity we as a state and as a community can provide them.

"Dignity in dying – making the clear-eyed choice to prevent suffering at the end of a terminal illness – is a self-evidently humane policy. And I am proud to lead a state where so many advocates, including the late Elizabeth Whitefield, fought so hard for so many who will now have access to the peace of mind and humanity this legislation provides."

[Eleven American states have legalised VAD](#) by passing "death with dignity" or "medical aid in dying" laws:

- California,
- Colorado,
- District of Columbia,
- Hawaii,
- Maine,
- New Jersey,
- New Mexico,
- Oregon,
- Vermont, and
- Washington.



Judge Whitefield



Gov. Grisham

VAD is legal in Montana by virtue of a court ruling.

VAD laws are currently being actively considered or debated by legislatures in a further 13 US states.

Fitting venue for launch as Bill nears

Everybody loves a sunset. However, when it is the metaphoric final curtain call of life, there is often fear and anxiety.

Everald Compton AM, in this fictional recount of the last days of terminally ill Graeme Brown, gives reason for hope that the final curtain call, across the edge of eternity, can be met with love, grace and dignity.

Hope is the seminal thread in this fascinating account of how three different Christians, an atheist, a Jew, a Buddhist, a Confucian all under the care of a Muslim doctor find some common ground in the context of a decision by Brown to access voluntary assisted dying laws.

There is even a Miss Marple-type character who by happenstance makes her own intervention in and goes on to weave her own threads of interconnectedness among some of the characters.

Compton has met the exhortation of Jeffrey Archer to write a "page turner".

There is also a lot of Compton in the character of Brown. It is hard not to smile at mentions of tipples of fine single-malt Scotch whisky and even the game of golf.

Of course. a resolute belief in the need for



David Muir AM
Chair
The Clem Jones Trust

voluntary assisted dying laws to provide choice at end of life is a shared belief of Compton and Brown. Also both are authors.

Some of the highlights of the book are conversations Brown has with an Anglican bishop and a "shock jock" happily calling himself "The Donald" in a nod to a former US President.

These conversations ventilate the issues most often raised about voluntary assisted dying and help to dispel some myths.

The living wake where Brown gathers special friends and family is very moving.

There is also a last-minute courtroom drama caused by a legal manoeuvre by a Pentecostal Church.

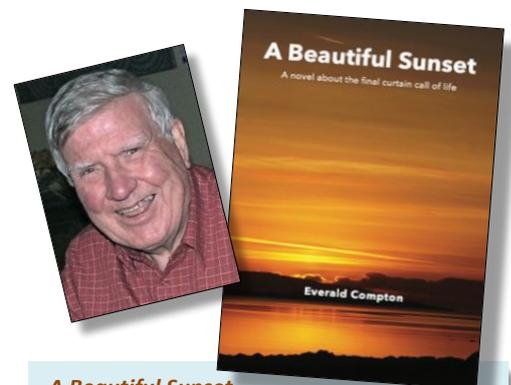
Finally the end is certainly powerful.

A Beautiful Sunset will be launched this month at a function at Parliament House in Brisbane. This is a most suitable venue as the fate of our state's proposed voluntary assisted dying laws will soon rest with the 93 men and women we elected last October

who sit there as our representatives. It is also a reminder for all of us to make sure we let our local MP know that we expect them to support a VAD Bill when it comes to a vote.

Remember, although MPs will have a conscience vote, a VAD Bill is not about them.

It's your life, your choice, and your law.



A Beautiful Sunset

By Everald Compton

Published by Echo Books

206 pages

Visit www.everaldcomptom.com for details

Available from: [Amazon](#); [Booktopia](#);

[Dymocks](#); [Book Depository](#); [Kindle](#)

[Sales help support](#)
[Dying With Dignity Queensland](#)

Time to tell our MPs your story

In our previous newsletter I asked readers to tell us their stories about why they support voluntary assisted dying.

I want to thank the many Dying With Dignity members or supporters and others for their very strong response.

The stories already provided will help us to convince our 93 state MPs to vote for a VAD Bill in the Queensland Parliament.

As anyone who followed the hearings of the cross-party inquiry into VAD by the Parliamentary Health Committee, these stories about the death of a loved one or friend are usually heartbreaking.

But they must be told, and every single one of the 93 MPs who will have the final say on a VAD law needs to hear them. So I am again calling on VAD supporters to let us know your experiences so we can help convince MPs to vote for a VAD Bill and



Jos Hall
President
Dying With Dignity
Queensland

deliver a better choice at the end of life. Contact details are below or scan the QR code to visit our website to learn more about VAD.

I again thank all those who've contributed and urge others to help pass this vital new law.



A packed Health Committee hearing at Bundaberg

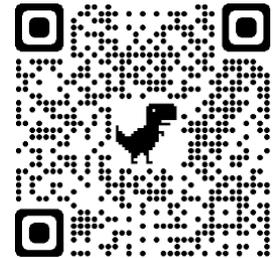
TELL YOUR STORY:

EMAIL: dwdg.president@dwdg.org.au

POST: DWDQ, PO Box 432, Sherwood, Qld, 4075

PHONE: 1300 733 818

SCAN OUR WEBSITE QR CODE



We must all expose misleading claims

Those opposing VAD law reform continue to cast the debate in terms of VAD versus palliative care. It is not and has never been.

Dying With Dignity Queensland and other VAD advocates want to see better funding and resources for palliative care. The debate is not about diminishing palliative care but widening end-of-life choices.

It is about allowing people with terminal illness or neurodegenerative conditions experiencing unrelievable suffering to choose VAD if they wish.

States where VAD laws have been passed have seen funding boosts for palliative care, although more can and should be done.

The fact is that palliative care will not relieve all suffering for all dying individuals.

Parliamentary inquiries into VAD in Victoria, Western Australia, and Queensland all heard that evidence including from doctors and nurses experienced in palliative care.

Our opponents also constantly and wrongly liken VAD to suicide when they are totally different. Suicide is a choice between life and death. VAD is a choice between two deaths – a good death and a bad death.

People like former Victorian premier Jeff Kennett who chaired Beyond Blue, an organisation battling depression and suicide,

have said VAD and suicide are not the same.

Opponents also claim that a VAD law will pose legal threats and complications for doctors and nurses treating terminally ill patients when the truth is the opposite.

Right now doctors and nurses are involved in administering terminal sedation to dying individuals. This is done in the absence of any legal framework or protections for medical staff. It is often done without the dying person's consent.

The rationale is that the intention of giving increasing sedation to people in such a situation is not meant to end their lives, although it inevitably does.

A VAD law will deliver legal protections to medical staff and will also contain provisions allowing those with genuine conscientious objections to opt out of being involved.

As a retired Registered Nurse with 48 years' experience, I have seen too many people suffering at the end of life whose death could have been easier under a VAD law.

We must expose the falsehoods of those wanting to deny choice to Queenslanders.

We must remember that under a VAD law there will not be one single extra death but there will be a lot less suffering.

JOS HALL

FNQ specialist outlines the facts

At Cairns on [27 May 2019](#) the Health Committee Inquiry heard evidence from Dr Edward Mantle, palliative care specialist with the Cairns and Hinterland Hospital and Health Service.

Dr Mantle argued for better resourcing of palliative care services but also noted claims that palliative care could address all end-of-life suffering.

"I will be very clear: I personally find the notion of voluntary assistance in dying

to be somewhat abhorrent as a thought, as being engaged in that particular aspect of delivering medicine," he said.

"However, I completely support freedom of choice of individuals — completely.

"I think it is disingenuous, and it is probably closer to a bald-faced lie, when palliative physicians say that they can relieve all suffering for all patients. It is simply not true."

TELL YOUR
STATE MP:

IT'S
MY LIFE

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AND I WANT
MY LAW

WA MP puts the focus on patients

Anti-VAD doctors told ... it's not all about you

The West Australian Parliament [passed a VAD Bill](#) in December 2019. Its *Voluntary Assisted Dying Act 2019* is expected to take effect from 1 July this year following an 18-month implementation period.



Dr Sid Finnigan MBBS, FRANZCO
Queensland Convenor
[Doctors For Assisted Dying Choice](#)

As we wait for the Queensland Law Reform Commission to hand down a VAD Bill, it is worth noting a speech delivered during passage of the WA VAD law in which a senior member of the Nationals addressed the anti-VAD attitude of the WA branch of the Australian Medical Association. (*See below*)

An extract is reproduced below and reflect concerns other MPs have about the arguments put forward by some medical professionals in a bid to stymie VAD law reform.

When considering the speech it's important to recall a 2016 survey by the *Australian Doctor* journal which [reported poll findings](#) of 65% support for VAD law reform.

Even the AMA's own internal polling found more than half of its members thought VAD could form a legitimate part of medical care.

It is a commonly accepted principle that in their work, doctors and other medical professionals should "do no harm".

Some people use this to claim that doctors should never be involved in VAD — they heal people rather than help them die.

But for many doctors "do no harm" is a reason for supporting VAD.

They say prolonging intolerable suffering of a dying patient against their wishes is doing harm.

VAD laws can accommodate both interpretations because they contain provisions allowing medical staff with conscientious objection not to be involved.

The type of VAD laws proposed for Queensland and laws passed in other states deliver that right and protection.

The code of ethics of the Australian Medical Association can already accommodate any of its members wanting to register and train to deliver VAD services to their patients.

The sections of the code reproduced at right require doctors to respect a patient's right to make decisions about their treatment and also ensure that any conscientious objections held by its member doctors are respected.

[For information about WA's VAD law and current work on its implementation visit WA Department of Health's VAD portal.](#)

2.1.5 Respect the patient's right to make their own health care decisions. This includes the right to accept, or reject, advice regarding treatments and procedures including life-sustaining treatments.

2.1.13 If you refuse to provide or participate in some form of diagnosis or treatment based on a conscientious objection, inform the patient so that they may seek care elsewhere. Do not use your conscientious objection to impede patients' access to medical treatments including in an emergency situation.

2.1.15 Respect the right of a terminally ill patient to receive relief from pain and suffering, even where that may shorten their life.

Extracts from the Australian Medical Association's code of ethics

Lawmaker 'struggles' with AMA's view

This is an extract from the remarks made in the 2019 VAD Bill debate by Jacqui Boydell MLC, Deputy Leader of the WA Nationals



[Link to Hansard text](#)
23 December 2019

"It is exceptionally important for the medical profession to understand, as we transition into voluntary assisted dying should it pass the house, that honouring the rights of the patient and their right to continuity of care is paramount.

"The decision rests with the patient, not the doctor.

"That is why I have struggled with many of the points of view that have been put to me by the Australian Medical Association of WA or [anti-VAD] doctors.

"It has been put to me that I will be giving them the opportunity to kill a patient.

"I say to those doctors who have said that to me that they misunderstand entirely the intent of VAD.

"This is not their decision.

"During the transition of this process, should it pass, the medical profession need to honour the rights and choices of patients and continue to treat them, whether it is

palliative care, alternative therapies or oncology.

"There is a suite of treatments that patients can choose to accept or not.

"Voluntary assisted dying will purely be one of those.

"It is not about doctors saying, 'You are giving me the right'.

"It is not — we are giving the right to the patient. The doctor is duty-bound to deliver on what the patient wants."



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www.dwdq.org.au

www.dr4assisteddyingchoice.org

The *My Life My Choice* monthly newsletter is produced by the Clem Jones Group, Dying With Dignity Queensland, and Doctors For Assisted Dying Choice (Qld) for the purpose of educating and raising awareness of voluntary assisted dying law reform across Australia.